

Application No. 10/808,423

Reply to Office Action of September 21, 2005

IN THE DRAWINGS

The attached sheets of drawings include new Figs. 20-23.

Attachment: **New Sheets**

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1-15 are currently active in this case. Claims 1-13 have been amended and Claims 14 and 15 have been added by the current amendment. No new matter has been added.

In the outstanding office action, information disclosure statements filed between August 9, 2004 and April 27, 2005 have not been considered for failing to comply with 37 CFR 1.98(a)(1); the drawings were objected to for failing to comply with 37 CFR 1.84(p)(5); the disclosure was objected to; Claims 5 and 7-12 were objected to; and Claims 1-8, 10, and 13 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent publication number 2002/0043523 to Fujita et al.

Claims 9, 11, and 12 were objected to as being dependent upon a rejected based claim, but were indicated as being allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter. However, because Applicants believe that they are entitled to the scope of subject matter defined by the independent claims, Claims 9, 11, and 12 have been maintained in dependent form.

In response to the indication that information disclosure statements filed between August 9, 2004 and April 27, 2005 were not considered for failing to comply with 37CFR1.98(a)(1), Applicants respectfully point out that those information disclosure statements were filed prior to the effective date of 37 CFR 1.98 which is currently in effect and which requires that each page of the list must include the application number of the application in which the information disclosure statement is being submitted and a column which provides a space for the Examiner's initials. Consequently, Applicants respectfully

request that the Information Disclosure Statements filed between August 9, 2004 and April 27, 2005 be considered.

In response to the objection to the drawings for failing to include the reference "L," Applicants respectfully traverse. Applicants point out that Figure 4 includes the reference sign "L" immediately below the reference numeral 128, and that Figure 19 includes the reference sign "L" adjacent to reference number 401.

In response to the objection to the drawings for failing to include reference numbers identifying the steps disclosed on pages 46-58 of the specification, Applicants have submitted herewith new drawings including Figures 20-23 illustrating those steps. No new matter has been added.

In response to the objection to the drawings for including reference numbers not mentioned in the description, Applicants have amended the specification to include disclosure regarding element numbers 86 and 131. Hence, no new matter has been added.

In view of the foregoing, no further objections to the drawings are anticipated. In response to the objections to the Disclosure, the Disclosure has been amended as recommended in the office action. No further objections to the specification are anticipated.

In response to the objections to Claims 5 and 7-12, the "external power source" is now positively recited in Claim 5. Claim 7 has been amended consistent with the recommendation provided in the office action. In view of the foregoing, no further objections to the claims are anticipated.

Briefly recapitulating, the present invention "Claim 1" is directed to a heating device including a control part configured to control a variable output voltage of an electricity storage device by setting the variable output voltage, when the temperature detected by a temperature detection part is higher than or equal to a predefined temperature, to one of a plurality of values such that the voltage of the electricity storage device is lower than or equal

to a maximum voltage allowed thereby. This configuration enables the output voltage to be continuously changed. Consequently, the lifespan of the capacitor can be increased. See page 35, lines 3-15, and page 39, lines 6-12 of the Specification.

Similarly, Claim 4 defines a control part configured to control the variable output voltage of the electricity storage device by regulating a voltage of the capacitor such that the voltage of the capacitor is lower than or equal to a maximum voltage of the capacitor when the operational mode detected by the mode detection part is a saved mode.

Claim 5 defines a fixing device including an external power source; at least one electricity storage device; and a power control part configured to control the supply of electric power from at least one of the external power source and the at least one electricity storage device to a heat generation part. See, by way of example, page 45, line 20 – page 46, line 13 of the Specification.

Newly added Claims 14 and 15 are intended to invoke 35 USC 112, six paragraph, regarding the control features of the present invention.

With regard to Claim 1, the official action asserts that the Fujita et al. publication discloses a control part configured to control the output voltage of the electricity storage device. The control part defined by Claim 1 provides control of a *variable* output voltage.

With regard to Claim 5, Applicants respectfully submit that Fujita et al. fails to disclose or suggest a power control part configured to supply electric power from (a) at least one of an external power source and (b) at least one electricity storage device to the heat generation part. That is, Fujita et al. discloses in Figure 39 an electricity storage device, but fails to disclose an external power source which is also controlled by CPU 13.

In view of the foregoing arguments, Applicants respectfully submit that the Fujita et al. publication fails to anticipate or render obvious the subject matter defined by Claim 1-15.

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Consequently, in view of the present amendment, no further issues are believed to be outstanding, and the application is believed to be in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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